

# ***HOUSE BUSINESS COMMITTEE***

## ***ADMINISTRATIVE RULES REVIEW***

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#### ***2008 Legislative Session***

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# **HOUSE BUSINESS COMMITTEE**

## **IDAPA 07 - DIVISION OF BUILDING SAFETY**

### **07.01.02 - RULES GOVERNING FEES FOR ELECTRICAL INSPECTIONS**

#### **DOCKET NO. 07-0102-0701 (FEE RULE)**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1001D, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

**The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 125 through 128.**

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being increased pursuant to Sections 39-4302, 39-4303, and 54-1001D, Idaho Code:

**This rulemaking increases electrical permit fees and provides for a new system to calculate these permit fees.**

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no negative fiscal impact on the state general fund. However, the Division of Building Safety anticipates a net increase in permit fee revenue attributable to an increase in fees for non-residential installations.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.

## **HOUSE BUSINESS COMMITTEE**

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**DIVISION OF BUILDING SAFETY**  
**Rules Governing Fees for Electrical Inspections****Docket No. 07-0102-0701**  
**PENDING FEE RULE**

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Deputy Administrator - Operations  
Division of Building Safety  
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### ***THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED FEE RULE***

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-1001D, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The changes in fees for electrical permits simplify the calculation of residential permit fees by basing fees on the square footage of the residence and associated outbuildings constructed at one time. Permit fees for non-residential installations increase in cost, but bring them into conformance with plumbing and HVAC permit fees which decrease substantially in cost versus their current costs. By adopting a common fee basis for electrical, plumbing, and HVAC permits, the programming and implementation costs associated with the new software system are minimized. The structure is also more easily understood by staff and customers alike.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

This rulemaking increases electrical permit fees and provides for a new system to calculate these permit fees.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

The Division of Building Safety anticipates a net increase in permit fee revenue attributable to an increase in fees for non-residential installations.

## HOUSE BUSINESS COMMITTEE

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### **DIVISION OF BUILDING SAFETY Rules Governing Fees for Electrical Inspections**

**Docket No. 07-0102-0701  
PENDING FEE RULE**

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**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this proposed rule is the result of an effort on the part of the Division to standardize fees in anticipation of the installation of a new licensing and permitting software system. Industry participants have voiced enthusiastic support for the square footage-based fee schedule for residential installations, and the Division believes the increase in commercial/industrial installation permit fees along with decreases in HVAC and plumbing fees for similar installations addresses equity questions that have been brought forward.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 28th day of August, 2007.

### ***THE FOLLOWING IS THE TEXT OF THE PENDING FEE RULE***

#### **011. FEES FOR ELECTRICAL INSPECTIONS.**

Electrical inspection fees are to cover the cost of electrical inspection as provided by Section 54-1005, Idaho Code; any person, partnership, company, firm, association, or corporation making an electrical installation coming under the provisions of Section 54-1001, Idaho Code, shall pay to the Electrical Bureau an inspection fee as provided in the following schedule. (1-14-87)

**01. Temporary Construction Services.** To be installed for construction purposes only, for a period not to exceed one (1) year: (3-18-99)

a. Two hundred (200) amp or less, one (1) location: ~~forty~~ sixty-five dollars (\$~~40~~65).  
(~~3-18-99~~)(    )

b. All others shall be calculated using Subsection 011.06, Other Installations Including Industrial and Commercial. (3-18-99)

**02. New Residential -- Single Family Dwelling.** (Includes ~~everything contained within the residential structure and attached garage wired at the same time~~ all buildings with wiring being constructed on each property.)

New Residential - Single-Family Dwelling	
Up to <del>200 Amp Service</del> <u>1,500 Square feet of construction</u>	- \$ <del>120</del> <u>130</u> *

## HOUSE BUSINESS COMMITTEE

### **DIVISION OF BUILDING SAFETY Rules Governing Fees for Electrical Inspections**

**Docket No. 07-0102-0701  
PENDING FEE RULE**

<del>201 to 400 Amp Service</del> 1,501 to 2,500 Square feet of construction	-	\$ <del>240</del> <u>195</u> *
2,501 to 3,500 Square feet of construction	-	\$ <u>260</u> *
3,501 to 4,500 Square feet of construction	-	\$ <u>325</u> *
Over <del>400 Amp Service</del> <u>4,500 Square feet of construction</u>	-	Use Subsection 011.06, Other Installations Including Industrial and Commercial
* Fee is to include maximum of <u>two (2) inspections up to 1,500 square feet</u> , three (3) inspections <u>1,501 to 2,500 square feet</u> , four (4) inspections <u>2,501 to 3,500 square feet</u> , and five (5) inspections <u>3,501 to 4,500 square feet</u> . Additional inspections charged at requested electrical inspection rate of <del>forty</del> <u>sixty-five</u> dollars (\$ <del>40</del> <u>65</u> ) per hour.		
<del>Other residential structures (unattached): see Subsection 011.06, Other Installations Including Industrial and Commercial.</del>		
<b><u>New Residential - Multi-Family Dwellings</u></b>		
Duplex Apartment	-	\$ <del>240</del> <u>260</u>
Three (3) or more multi-family units	-	\$ <del>120</del> <u>130</u> per Building plus \$ <del>60</del> <u>65</u> per Unit

(~~3-18-99~~)(    )

a. Existing residential: ~~forty sixty-five~~ dollars (\$~~40~~65) plus ten dollars (\$10) for each additional branch circuit up to the maximum of the corresponding square footage of the residential building.

(~~3-18-99~~)(    )

b. Residential spas, hot tubs, hydro massage tubs, swimming pools: ~~forty sixty-five~~ dollars (\$~~40~~65) ~~basic fee plus forty dollars (\$40) grounding grid where applicable~~ for each trip to inspect. (Other than residential, use Subsection 011.06, Other Installations Including Industrial and Commercial.)

(~~3-18-99~~)(    )

**03. Residential Electric Space Heating and/or Air Conditioning.** When not part of a new residential construction permit, or heat ventilating air conditioning permit and with no additional wiring: ~~forty sixty-five~~ dollars (\$~~40~~65).

(~~3-18-99~~)(    )

**04. Domestic Water Pumps.** See Subsection 011.07 -- Pumps (Water, Domestic Water, Irrigation, Sewage.)

(3-18-99)

**05. Mobile/Manufactured Homes.** ~~Fifty~~ Sixty-five dollars (\$~~50~~65) basic fee plus ten dollars (\$10) for each additional circuit.

(~~3-18-99~~)(    )

a. Mobile home and RV parks for distribution wiring including pedestal, service conductors and lot supply to individual units come under Subsection 011.06, Other Installations Including Industrial and Commercial.

(3-18-99)

**06. Other Installations Including Industrial and Commercial.** The inspection fees

## HOUSE BUSINESS COMMITTEE

### **DIVISION OF BUILDING SAFETY Rules Governing Fees for Electrical Inspections**

**Docket No. 07-0102-0701  
PENDING FEE RULE**

listed in this section shall apply to any and all electrical installations not specifically mentioned elsewhere in this schedule. The electrical cost shall be the cost to the owner of all labor charges and all other costs that are incurred in order to complete the installation of any and all electrical wiring and equipment installed as part of the electrical system, factory assembled industrial machinery to be operated by electrical energy shall not be included in calculating these fees.

(3-18-99)( )

a. Wiring cost not exceeding ~~two~~ ten thousand dollars (\$210,000): ~~forty~~ sixty dollars (\$460) plus two ~~and one-half~~ percent (2.5%) of total wiring cost. (3-18-99)( )

b. Wiring cost over ~~two~~ ten thousand dollars (\$210,000) but not exceeding ~~ten~~ one hundred thousand dollars (\$100,000): ~~one~~ two hundred sixty dollars (\$10260) plus one percent (1%) of ~~total~~ wiring cost in excess of ten thousand dollars (\$10,000). (3-18-99)( )

c. Wiring cost over ~~ten~~ one hundred thousand dollars (\$100,000): one thousand one hundred eighty ~~sixty~~ dollars (\$1801,160) plus one-half of one percent (.5%) of the portion of wiring costs exceeding ~~ten~~ one hundred thousand dollars (\$100,000). (3-18-99)( )

d. All fees calculated under this schedule must be calculated on the total wiring cost of the job, and this figure must be shown on the permit. The inspection fees listed in this Subsection shall apply to any and all electrical installations not specifically mentioned elsewhere in this schedule. The wiring cost shall be the cost to the owner of all labor charges and all wiring materials and equipment installed as part of the wiring system. When labor is performed by the owner, such labor cost shall be based upon the market value of said labor and used- or reused materials shall be based at fifty percent (50%) of the column 3 pricing as published by Trade Service Publication or National Price Service Pricing or the actual cost, whichever is greater. For all owner-supplied, factory assembled electrical infrastructural equipment to be installed, the inspection will be based on one-half of one percent (.5%) of total cost of the equipment OR an hourly rate of ~~eighty~~ one hundred thirty dollars (\$8130) for the first hour of each inspection and ~~forty~~ sixty-five dollars (\$4065) for each subsequent hour. Factory assembled machinery to be operated by electrical energy shall not be included when calculating these fees. (3-18-99)( )

e. Small work not exceeding two hundred dollars (\$200) in cost and not involving a change in service connections: ten dollars (\$10). (3-30-06)

#### **07. Pumps (Water, Domestic Water, Irrigation, Sewage) -- Each Motor.**

To 25 HP	-	\$ <u>40 65</u>
26 to 200 HP	-	\$ <u>60 95</u>
Over 200 HP	-	\$ <u>80 130</u>
Phase inverters and roto phase equipment use Subsection 011.06, in addition to the pump motor fee.		

(3-18-99)( )

08. **Electrically-Driven Irrigation Machine.** Center Pivot: ~~fifty~~ sixty-five dollars (\$5065) plus ten dollars (\$10) per tower or drive motor. Other types: ~~fifty~~ sixty-five dollars

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### **DIVISION OF BUILDING SAFETY Rules Governing Fees for Electrical Inspections**

**Docket No. 07-0102-0701  
PENDING FEE RULE**

(~~\$5065~~) plus ten dollars (\$10) per motor. (Note: No additional fee required for underground feeder). (~~3-18-99~~)( )

**09. Electric Signs and Outline Lighting.** Electric signs: ~~forty~~ sixty-five dollars (~~\$4065~~) per sign; Outline Lighting: ~~forty~~ sixty-five dollars (~~\$4065~~) per each occupancy. (~~3-18-99~~)( )

**10. Requested Inspections.** A base fee of ~~forty~~ sixty-five dollars (~~\$4065~~) plus an additional ~~twenty~~ sixty-five dollars (~~\$2065~~) for each ~~one-half (1/2)~~ hour, or portion thereof, in excess of one (1) hour including travel time. Out-of-state travel ~~subject to additional~~ expenses shall be paid by the requesting party. (~~3-30-06~~)( )

**11. Additional Fees and Reinspection Fees.** A base fee of ~~forty~~ sixty-five dollars (~~\$4065~~) plus an additional ~~twenty~~ sixty-five dollars (~~\$2065~~) for each additional ~~one-half (1/2)~~ hour, or portion thereof in excess of one (1) hour including travel time, shall also be paid before approval of the installation if the following services are necessary: (~~3-30-06~~)( )

**a.** Trips to inspect when the submitter of the permit had given notice to the inspector that the work is ready for inspection when it was not, or if the submitter has not clearly given the location of the installation either by directions or maps, or if the inspector cannot gain access to make the inspection. (1-14-87)

**b.** Trips to inspect corrections required by the inspector as a result of the submitter improperly responding to a corrective notice. (1-14-87)

**c.** Each trip necessary to remove a red tag from the jobsite. (1-14-87)

**d.** When corrections have not been made in the prescribed time, unless an extension has been requested and granted. (1-14-87)

**e.** No permit -- failure to post or send permit and required fee in the prescribed time will, at the discretion of the Division, result in the assessment of a double fee. (3-18-99)

**12. Plan Check Fee.** ~~Forty~~ Sixty-five dollars (~~\$4065~~) minimum for one (1) hour or less. Over one (1) hour: ~~forty~~ sixty-five dollars (~~\$4065~~) plus ~~twenty~~ sixty-five dollars (~~\$2065~~) for each ~~one-half (1/2)~~ hour or portion thereof in excess of one (1) hour. (~~3-18-99~~)( )

**13. Fees for Temporary Amusement/Industry Electrical Inspections.** Each time a ride, concession, or generator is set up: ~~forty~~ sixty-five dollars (~~\$4065~~) base fee plus ten dollars (\$10) for each ride, concession, or generator. (~~3-18-99~~)( )

**14. Expiration of Permits.** Every permit issued by the Electrical Bureau shall expire by limitation and become null and void if the work authorized by such permit is not commenced within ninety (90) days from the date of issuance of such permit or if the work authorized by such permit is suspended or abandoned at any time after work is commenced for a period of one hundred eighty (180) days. A permit may be renewed for an additional year upon receipt of Bureau approval and ~~forty~~ sixty-five dollars (~~\$4065~~) renewal fee. (~~3-18-99~~)( )

## **HOUSE BUSINESS COMMITTEE**

### **IDAPA 07 - DIVISION OF BUILDING SAFETY**

#### **07.02.03 - RULES GOVERNING PERMIT FEE SCHEDULE**

##### **DOCKET NO. 07-0203-0701 (FEE RULE)**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1001D, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

**The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 142 through 145.**

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-1001D, Idaho Code:

**This rulemaking provides for a new system to calculate, and increases, plumbing permit fees.**

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no fiscal impact on the state general fund. However, the Division of Building Safety anticipates a net increase in permit fee revenue attributable to an increase in fees for non-residential installations.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.



## HOUSE BUSINESS COMMITTEE

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### **DIVISION OF BUILDING SAFETY Rules Governing Permit Fee Schedule**

**Docket No. 07-0203-0701  
PENDING FEE RULE**

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### ***THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE***

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-1001D, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The changes in fees for plumbing permits simplify the calculation of residential permit fees by basing fees on the square footage of the residence and associated outbuildings constructed at one time. Permit fees for non-residential installations increase in cost, but bring them into conformance with electrical which have been adjusted to match these fees, and HVAC permit fees which decrease substantially in cost versus their current costs. By adopting a common fee basis for electrical, plumbing, and HVAC permits, the programming and implementation costs associated with the new software system are minimized. The structure is also more easily understood by staff and customers alike. The proposed rule adopts a new square footage-based permit fee schedule for new residential construction, and also imposes an increased permit fee schedule for non-residential construction.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: This rulemaking increases plumbing permit fees and provides for a new system for calculating those fees.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: The Division of Building Safety anticipates a net increase in permit fee revenue attributable to an increase in fees for non-residential installations.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was

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### **DIVISION OF BUILDING SAFETY Rules Governing Permit Fee Schedule**

**Docket No. 07-0203-0701  
PENDING FEE RULE**

not conducted because the potential for a square footage-based permit fee schedule has been discussed for many years by the Plumbing Board in open meetings. The Division is in the process of implementing a new software system, and the potential for a common fee basis for permits will greatly facilitate that implementation. The square footage basis is the obvious choice for such a common basis. The reduction in permit fees for industrial and commercial installations addresses equity concerns and has been widely endorsed.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 28th day of August, 2007.

### ***THE FOLLOWING IS THE TEXT OF THE PENDING FEE RULE***

#### **011. FEE SCHEDULE.**

**01. New Residential - Single Family Dwelling.** ~~To include all single family dwellings, apartments, condominiums, townhouses, and/or multiple living units: Each living unit in an apartment, condominium, townhouse, or other multiple living unit shall require a residential permit fee for each living unit. Permit fee -- thirty dollars (\$30); plus an inspection fee of eight dollars (\$8) per fixture (excluding garbage disposals and dishwashers in new construction) in the plumbing system of the building or premises. Replacement of fixtures in residences requires a permit of thirty dollars (\$30) plus eight dollars (\$8) per fixture. Separate permits are required for all residential sewer and water service line installations as per IDAPA 07.02.03. 011.08 unless done by plumbing contractor at time of new installation. In that event, rate will be eight dollars (\$8) each.~~ Includes all buildings with plumbing systems being constructed on each property.

<b><u>New Residential - Single-Family Dwelling</u></b>	
<u>Up to 1,500 Square feet of construction</u>	<u>: \$130</u>
<u>1,501 to 2,500 Square feet of construction</u>	<u>: \$195</u>
<u>2,501 to 3,500 Square feet of construction</u>	<u>: \$260</u>
<u>3,501 to 4,500 Square feet of construction</u>	<u>: \$325</u>
<u>Over 4,500 Square feet of construction</u>	<u>: Use Subsection 011.04. Other Installations Including Industrial and Commercial</u>

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## DIVISION OF BUILDING SAFETY Rules Governing Permit Fee Schedule

Docket No. 07-0203-0701  
PENDING FEE RULE

(3-30-06)( )

**02. ~~Nonresidential. To include commercial, industrial, and other installations: The inspection fees listed in this Section shall apply to any and all plumbing installations not specifically mentioned elsewhere in this schedule. The plumbing cost shall be the cost to the owner of all labor charges and all other costs that are incurred in order to complete the installation of any and all plumbing materials and equipment installed as part of the plumbing system. For uniformity of fees when labor is performed, such labor cost shall be based upon the market value of said labor. Permit fee: To include inspection of the water service pipe to the building and waste discharge pipe from the building if the work is done by the plumbing contractor who permits the building plumbing thirty dollars (\$30); plus an inspection fee based on the selling price of the completed installation, to be: Three percent (3%) of the value of the installation up to and including twenty thousand dollars (\$20,000); plus, two percent (2%) of the value of the installation in excess of twenty thousand dollars (\$20,000) up to and including one hundred thousand dollars (\$100,000); plus, one percent (1%) of the value of the installation in excess of one hundred thousand dollars (\$100,000) up to and including two hundred thousand dollars (\$200,000); plus, one-half of one percent (1/2%) of the value of the installation in excess of two hundred thousand dollars (\$200,000). Schools, hospitals, churches, hotels, and motels are classed as commercial. The thirty dollars (\$30) minimum permit fee applies to all new construction and to remodel or alteration jobs. Replacement of fixtures in existing commercial and industrial buildings requires the inspection fee of thirty dollars (\$30) plus eight dollars (\$8) per fixture (water heaters, lavatories, etc.). Fixtures common only to commercial and industrial, shall be inspected at the eight dollars (\$8) rate per unit. Separate permits as per IDAPA 07.02.03, Subsection 011.09 and IDAPA 07.02.03, Subsection 011.12 will be required for sewer and water service lines, if not done by the plumbing contractor doing the building plumbing. New Residential - Multi-Family Dwellings.~~**

<b>New Residential - Multi-Family Dwellings</b>	
Duplex Apartment	- \$260
Three (3) or more multi-family units	- \$130 per Building plus \$65 per Unit

(7-11-89)( )

**03. ~~Commercial Coaches/Manufactured Buildings.~~ All commercial coaches and manufactured buildings constructed in Idaho or constructed for use in Idaho must purchase permits as per the residential fee schedule. Existing Residential. Sixty-five dollars (\$65) plus ten dollars (\$10) for each additional plumbing fixture being installed up to a maximum of the corresponding square footage of the residential building.**

(7-11-89)( )

**04. Other Installations Including Industrial and Commercial.** The inspection fees listed in this Section shall apply to any and all plumbing installations not specifically mentioned elsewhere in this schedule. The plumbing cost shall be the cost to the owner of all labor charges and all other costs that are incurred in order to complete the installation of any and all plumbing equipment and materials installed as part of the plumbing system. ( )

**a. Plumbing system cost not exceeding ten thousand dollars (\$10,000): sixty dollars**

## HOUSE BUSINESS COMMITTEE

### **DIVISION OF BUILDING SAFETY Rules Governing Permit Fee Schedule**

**Docket No. 07-0203-0701  
PENDING FEE RULE**

(\$60) plus two percent (2%) of the total plumbing system cost. ( )

**b.** Plumbing system cost over ten thousand dollars (\$10,000), but not exceeding one hundred thousand dollars (\$100,000): two hundred sixty dollars (\$260) plus one percent (1%) of the plumbing system cost exceeding ten thousand dollars (\$10,000). ( )

**c.** Plumbing system cost over one hundred thousand dollars (\$100,000): one thousand one hundred sixty dollars (\$1,160) plus one half of one percent (.5%) of the plumbing system cost exceeding one hundred thousand dollars (\$100,000). ( )

**d.** All fees calculated under this schedule must be calculated on the total plumbing cost of the job and this figure must be shown on the permit. ( )

~~**4405. Requested Inspections of Existing Plumbing.** Thirty-eight A fee of sixty-five dollars (\$3865) minimum for one (1) per hour or less. Over one (1) hour, thirty-eight dollars (\$38) plus nineteen dollars (\$19) for each one-half (1/2) hour or portion thereof in excess of one (1) an hour shall apply, including with the requesting party responsible for all costs incurred in out-of-state travel time.~~ (7-11-89)( )

~~**4406. Additional Fees and Re-Inspection Fees.** The cost of reinspection shall be thirty-eight dollars (\$38). A fee of sixty-five dollars (\$65) per hour or portion of an hour shall apply to:~~ (7-11-89)( )

**a.** Trips to inspect when: ( )

**i.** The submitter of the permit has given notice to the Division of Building Safety that the work is ready for inspection and it is not; or ( )

**ii.** If the submitter has not accurately identified the work location; or ( )

**iii.** If the inspector cannot gain access to make the inspection. ( )

**b.** Trips to inspect corrections required by the inspector as a result of the submitter improperly responding to a corrective notice. ( )

**c.** Each trip necessary to remove a red tag from the jobsite. ( )

**d.** When corrections have not been made in the prescribed time, unless an extension has been requested and granted. ( )

**e.** No permit - failure to post or send permit and required fee in the prescribed time will, at the discretion of the Division, result in the assessment of a double fee. ( )

~~**4407. Other.** Fee for permits not clearly giving location of installation, either by direction or maps — thirty dollars (\$30).~~ (7-11-89)

~~**4407. Plan Checking Fee.** Thirty Sixty-five dollars (\$3065) minimum for one (1) per hour or less. Over one (1) hour — thirty dollars (\$30) plus fifteen dollars (\$15) for each one-half~~

## HOUSE BUSINESS COMMITTEE

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### DIVISION OF BUILDING SAFETY Rules Governing Permit Fee Schedule

Docket No. 07-0203-0701  
PENDING FEE RULE

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~~(1/2) hour or~~ portion thereof.

~~(7-11-89)~~( )

**048. Mobile Homes.** Each connection or re-connection to existing sewer and water stubs shall be ~~forty~~ sixty-five dollars (\$~~40~~65). ~~(7-11-89)~~( )

**059. Mobile Home Parks and/or RV Parks.** Sewer and water service lines in mobile home parks and/or RV parks shall be classed as commercial. NOTE: This does not include or permit the connection of the mobile home. See IDAPA 07.02.03, Subsection 011.04. (7-11-89)

**0610. Residential.** Lawn sprinklers shall be ~~thirty~~ sixty-five dollars (\$~~30~~65) ~~plus eight dollars (\$8) for each backflow prevention device.~~ ~~(7-11-89)~~( )

**0711. Water Conditioners.** Water conditioners shall be ~~thirty~~ sixty-five dollars (\$~~30~~65) ~~plus eight dollars (\$8) per unit.~~ ~~(7-11-89)~~( )

**0812. Sewer and Water Permit Fees.** Residential sewer and water service line fees shall apply to all new construction, installations, and replacements. (3-30-06)

a. Sewer and water permit fees for excavators or property owners shall be assessed at the same rate as residential or nonresidential based on the classification of the construction project. (3-30-06)

b. Residential sewer and water service lines installation permit fees will be assessed at the rate of thirty-eight dollars (\$38) each or ~~fifty~~ sixty-five dollars (\$~~50~~65) for a combination of both if only one (1) inspection is required and the work is done by the same individual. ~~(3-30-06)~~( )

**0913. Non-residential.** Lawn sprinkler permit fees shall be calculated at the same rate as ~~nonresidential industrial and commercial plumbing installations; three percent (3%) of the value of the installation up to and including twenty thousand dollars (\$20,000), plus two percent (2%) of the value of the installation in excess of twenty thousand dollars (\$20,000) up to and including one hundred thousand dollars (\$100,000), plus one percent (1%) of the value of the installation in excess of one hundred thousand dollars (\$100,000) up to and including two hundred thousand dollars (\$200,000), plus one-half of one percent (1/2%) of the value of the installation in excess of two hundred thousand dollars (\$200,000).~~ ~~(7-11-89)~~( )

**104. Nonresidential Sewer and Water Service Lines Permit Fees.** If installed by someone other than the plumbing contractor of the building, fees shall be calculated at the same rate as ~~nonresidential industrial and commercial plumbing installations; three percent (3%) of the value of the installation up to and including twenty thousand dollars (\$20,000), plus two percent (2%) of the value of the installation in excess of twenty thousand dollars (\$20,000) up to and including one hundred thousand dollars (\$100,000), plus one percent (1%) of the value of the installation in excess of one hundred thousand dollars (\$100,000) up to and including two hundred thousand dollars (\$200,000), plus one-half of one percent (1/2%) of the value of the installation in excess of two hundred thousand dollars (\$200,000).~~ ~~(7-11-89)~~( )

**15. Technical Service Fee.** ~~Thirty-eight~~ Sixty-five dollars (\$~~38~~65) ~~minimum for one (1) per~~ hour ~~plus nineteen dollars (\$19) for each one-half (1/2) hour or portion thereof.~~

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### **DIVISION OF BUILDING SAFETY Rules Governing Permit Fee Schedule**

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(~~7-11-89~~)(      )

~~**16.**    **No Permit.** Failure to send permit and required fee in the prescribed time will, at the discretion of the Department, result in the assessment of a double fee.~~ (~~7-11-89~~)

**176.**    **Multipurpose Residential Fire Sprinkler and Domestic Water Supply System Fee.** The inspection fee for the installation of the fire sprinkler portion of a multipurpose residential fire sprinkler and domestic water supply system in a one- or two-family residence shall be a minimum of sixty-five dollars (\$605) or four dollars (\$4) per fire sprinkler head, whichever is greater. (~~3-24-05~~)(      )

## **HOUSE BUSINESS COMMITTEE**

### **IDAPA 07 - DIVISION OF BUILDING SAFETY**

#### **07.03.03 - RULES FOR MODULAR BUILDINGS**

#### **DOCKET NO. 07-0303-0701 (FEE RULE) (NEW CHAPTER)**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 39-4302 and 39-4303, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

**The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 151 through 157.**

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 39-4303, Idaho Code:

**Pursuant to Section 39-4303, Idaho Code, applicable fees shall be established by the Modular Building Advisory Board through rulemaking. This is the initial set of rules of the Board, including setting fees, which the Governor's Office has approved as necessary in the public's interest to implement the provisions of new Chapter 43, Title 39, Idaho Code.**

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.

## **HOUSE BUSINESS COMMITTEE**

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**DIVISION OF BUILDING SAFETY**  
**Rules for Modular Buildings****Docket No. 07-0303-0701**  
**PENDING FEE RULE**

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Stephen L. Keys  
Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St., Meridian, Idaho  
P. O. Box 83720, Boise, Idaho 83720  
(208) 332-8986 phone / (208) 855-2164 fax

***THE FOLLOWING NOTICE PUBLISHED WITH THE  
TEMPORARY AND PROPOSED RULE***

**EFFECTIVE DATE:** The effective date of the temporary rule is **August 13, 2007**.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 39-4302, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Senate Bill No. 1155, passed by the 2007 Legislature and signed by the Governor, established the Modular Building Advisory Board and the accompanying legal structure. The previously established administrative rules governing the modular building industry were rendered moot by the new statute. Basic, revised administrative rules are necessary to enable operation of the new program. The new rules incorporate the previously established rules, modified to accommodate changes incumbent in the new law. The rules establish fees, inspection baselines, and enforcement guidelines.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

**These rules are necessary to protect the public health, safety, or welfare.**

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

**Pursuant to Section 39-4303, Idaho Code, applicable fees shall be established by the**



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**Modular Building Advisory Board through rulemaking.** This is the initial set of rules of the Board, including setting fees, which the Governor's Office has approved as necessary in the public's interest to implement the provisions of new Chapter 43, Title 39, Idaho Code.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:  
N/A

**NEGOTIATED RULEMAKING:** Negotiated rulemaking was not utilized in view of the need for a temporary rule to implement the provisions of new Chapter 43, Title 39, Idaho Code.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 15th day of August, 2007.

### ***THE FOLLOWING IS THE TEXT OF THE PENDING FEE RULE***

#### **IDAPA 07 TITLE 03 CHAPTER 03**

#### **07.03.03 - RULES FOR MODULAR BUILDINGS**

##### **000. LEGAL AUTHORITY.**

The Modular Building Advisory Board of the Division of Building Safety is authorized under Section 39-4302, Idaho Code, to promulgate rules concerning the enforcement and administration of Title 39, Chapter 43, Idaho Code, for Modular Buildings. ( )

##### **001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 07.03.03, "Rules for Modular Buildings," Division of Building Safety. ( )

**02. Scope.** These rules prescribe the criteria for enforcement and administration of the

## HOUSE BUSINESS COMMITTEE

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### **DIVISION OF BUILDING SAFETY Rules for Modular Buildings**

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Idaho Modular Buildings Act by the Modular Building Advisory Board and the Building Bureau of the Division of Building Safety. ( )

#### **002. WRITTEN INTERPRETATIONS.**

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency has statements that pertain to the interpretation of the rules of this chapter. These statements are available for review and copying at the offices of the Division of Building Safety. ( )

#### **003. ADMINISTRATIVE APPEALS.**

This chapter does not provide for administrative relief of the provisions contained herein. ( )

#### **004. OFFICE -- OFFICE HOURS -- STREET ADDRESS -- MAILING ADDRESS -- TELEPHONE, FACSIMILE AND WEB ADDRESS.**

The principal place of business of the Division of Building Safety is in Meridian, Idaho. The office is located at 1090 E. Watertower Street, Meridian, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The mailing address is: Division of Building Safety, 1090 E. Watertower Street, Meridian, Idaho 83642. The telephone number of the office is (208) 334-3896. The facsimile number of the office is (208) 855-9399. The web address of the office is <http://dbs.idaho.gov/>. ( )

#### **005. PUBLIC RECORDS ACT COMPLIANCE.**

The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. ( )

#### **006. -- 009. (RESERVED).**

#### **010. DEFINITIONS.**

The terms defined in Section 010 of these rules shall have the following meaning for all parts of IDAPA 07.03.03, unless the context clearly indicates another meaning. ( )

**01. Administrator.** The Administrator of the Division of Building Safety for the state of Idaho. ( )

**02. Alterations or Conversions of Modular Buildings.** Any change from the approved plans or installation instructions which would affect the structural, mechanical, electrical or plumbing systems of Modular Buildings bearing a Division Insignia of approval and shall include the replacement, addition, modification, or removal of any structural member; plumbing, heat-producing or electrical equipment, or installation which may effect such systems prior to first occupancy. Any such alteration or conversion shall first be approved by testing and inspection in the same manner as original systems or component parts. The following shall not constitute alteration or conversion: ( )

- a.** Repairs with approved replacement parts; ( )
- b.** Conversion of listed fuel-burning appliances in accordance with the terms of their listing; ( )

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### ***DIVISION OF BUILDING SAFETY Rules for Modular Buildings***

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PENDING FEE RULE***

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- c. Replacement of equipment and appliances in kind; ( )
- d. Adjustment and maintenance of equipment. ( )
- 03. Board.** The Modular Building Advisory Board, as created in Section 39-4302, Idaho Code. ( )
- 04. Building Site.** Any tract, parcel, or subdivision of land upon which a Modular Building is installed or is to be installed. ( )
- 05. Closed Construction.** Any manufactured building or building component that may enclose factory installed structural, mechanical, electrical, or plumbing systems and is not open for visual inspection at the Building Site. ( )
- 06. Commercial Coach.** A Modular Building with permanent running gear and a hitch assembly that is designed and constructed for nonresidential occupancy classifications only. Permanent running gear includes springs, spring hangers, axles, bearings, wheels, brakes, rims and tires and their related hardware. ( )
- 07. Division.** The Idaho Division of Building Safety. ( )
- 08. Insignia.** A label or tag issued by the Division to indicate compliance with the codes, standards, rules, and regulations established for manufactured building systems, subsystems, or building elements, Modular Buildings, and Commercial Coaches. ( )
- 09. Modular Building.** Any building or building component, other than a manufactured or mobile home, that is of Closed Construction and is either entirely or substantially prefabricated or assembled at a place other than the Building Site. ( )
- 10. Technical Service.** Conducting research, evaluation, consultation, interpretation, and clarification by the Division of technical data relating to the application of these rules, and shall also include special field inspections that are not covered in other portions of these rules. ( )
- 011. -- 026. (RESERVED).**
- 027. PERMITS.**  
Building permits shall be obtained from the Division prior to the construction of structures governed by the Act or rules promulgated by the Board. ( )
- 028. PLAN REVIEW.**
- 01. Jurisdiction.** The Division shall have exclusive jurisdiction and authority to conduct plan reviews of the in-plant construction of Modular Buildings. ( )
- 02. Plans Specifications.** Plans shall be drawn to scale and shall be on uniformly sized standard stock drawing sheets not to exceed thirty-six (36) inches by sixty (60) inches or in digital PDF format. ( )

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### **DIVISION OF BUILDING SAFETY Rules for Modular Buildings**

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**03. Plans Not Required.** Plans shall not be required for group U occupancies of Type V conventional light-frame wood construction. ( )

**04. Nonconformance.** Should the plan submittal not conform to the requirements of these rules, the applicant shall be notified in writing within fifteen (15) work days of the date they are received by the Division. Should the applicant fail to submit a completely corrected plan submittal in accordance with the information supplied by the Division within ninety (90) days of such notice, the plan submittal will be deemed abandoned. Subsequent submission thereafter shall be processed as a new plan submittal. ( )

**05. Distribution of Approved Copies.** An approved copy of the plan submittal shall be returned to and retained by the manufacturer and a copy shall be retained by the Division. When necessary, an additional copy shall be distributed for use by third party or contract inspectors. ( )

**06. Proprietary Information.** All material submitted by the manufacturer in the form of design plans, engineering data, test results, and other design information relating to their application will be considered proprietary information and will not be released for public scrutiny except when so ordered by a court of competent jurisdiction. ( )

**07. Revisions to Approved Modular Building Plans.** Where the manufacturer proposes to revise his submitted designs, or Division adopted rules or codes are amended to necessitate such a change, the manufacturer shall submit revised plans for examination and approval. ( )

**08. Application Provisions.** The provisions of Section 028 of these rules shall apply only to plans for work which will be accomplished at the place of manufacture. ( )

**029. FEES.**

The following fee schedule shall be applicable for the functions cited: ( )

**01. Modular Building Permit Fees.** Other than as herein specified in Section 029 of these rules, the permit fee schedule for Modular Buildings shall be as provided herein in Table 1-A plus ninety dollars (\$90) and two and one-half percent (2.5%) of the plumbing, electrical, and HVAC installation costs. The determination of value or valuation shall be based on the total value of all construction work for which a permit is issued.

1997 UNIFORM BUILDING CODE - TABLE 1-A – MODULAR BUILDING PERMIT FEES	
Total Valuation	Fee
\$1 to \$500	\$23.50
\$501 to \$2,000	\$23.50 for the first \$500 plus \$3.05 for each additional \$100, or fraction thereof, to and including \$2,000

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### **DIVISION OF BUILDING SAFETY Rules for Modular Buildings**

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\$2,001 to \$25,000	\$69.25 for the first \$2,000 plus \$14 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$391.75 for the first \$25,000 plus \$10.10 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$643.75 for the first \$50,000 plus \$7 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	\$5,608.75 for the first \$1,000,000 plus \$3.65 for each additional \$1,000, or fraction thereof

( )

#### **02. Other Inspections and Fees.**

( )

**a.** Inspections outside of normal business hours: sixty-five dollars (\$65) per hour (minimum charge - two (2) hours). ( )

**b.** Re-inspection fees: sixty-five dollars (\$65) per hour. ( )

**c.** Inspections for which no fee is specifically indicated: sixty-five dollars (\$65) per hour (minimum charge - one half (1/2) hour). ( )

**d.** Additional plan review required by changes, additions, or revisions to plans: sixty-five dollars (\$65) per hour (minimum charge - one half (1/2) hour). ( )

**e.** For use of outside consultants for plan checking and inspections or both: actual costs. ( )

**03. Insignia Tag Fee.** In instances where building permit fees are not charged for Modular Buildings, a one hundred dollar (\$100) fee will be charged for an Insignia. ( )

**04. Investigation Fee.** Whenever any work for which a permit is required by these rules has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by these rules. The minimum investigation fee shall be the same as the minimum fee set forth in Table 1-A. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of these rules nor from any penalty prescribed by law. ( )

**05. Payment of Fees.** Fees shall be paid to and collected by the Division. ( )

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### **DIVISION OF BUILDING SAFETY Rules for Modular Buildings**

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**06. Plan Review.** Where the Modular Building plans have not been previously approved, the Modular Building fee shall include an additional amount equal to sixty-five percent (65%) of the permit fee calculated in accordance with Table 1-A. ( )

**07. Refund of Permit Fees.** The Administrator may authorize refunding of any permit fee paid which was erroneously paid or collected. The Administrator may authorize refunding of not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with these rules. The Administrator shall not authorize refunding of any permit fee paid except on written application filed by the original applicant not later than one hundred eighty (180) days after the date of fee payment. ( )

**08. Refund of Plan Review Fees.** There shall be no refund of plan review fees.( )

### **030. RIGHT OF ENTRY.**

Whenever necessary to make an inspection to enforce any of the provisions of Title 39, Chapter 43, Idaho Code, or whenever the Administrator or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises unsafe, the Administrator or his authorized representative shall enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Division by Title 39, Chapter 43, Idaho Code; provided that if such building or premises is occupied, he shall first present proper credentials and demand entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Administrator shall have recourse to every remedy provided by law to secure entry. ( )

### **031. REMOVAL OF ORDERS AND NOTICES PROHIBITED.**

Removal of stop work or prohibited occupancy orders or notices from a building or structure, bearing such order or notice by any person or persons not authorized by the Administrator or his authorized representative, shall constitute a violation under the provisions of Section 39-4126, Idaho Code, and shall fall under the provisions of Section 18-317, Idaho Code. ( )

### **032. MODULAR BUILDINGS.**

**01. Enforcement and Administration.** The Administrator shall administer and enforce all the provisions of these rules. Any officer, agent, or employee of the Division is authorized to enter any premises during any normal or operational hours where Modular Buildings are manufactured for the purpose of examining any records pertaining to quality control and inspection and may inspect any such units, equipment, or installations to insure compliance with the provisions of these rules and codes enumerated in Title 39, Chapters 41 and 43, Idaho Code. When it becomes necessary, he may require that a portion or portions of such Modular Building units be removed in order that an inspection may be made to determine compliance. Every manufacturer of Modular Buildings shall obtain prior approval and an Insignia for each Modular Building unit to be installed in the state of Idaho. ( )

**02. Inspections.** ( )

**a.** Inspections at Manufacturing Plants. The Division shall conduct inspections at the

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manufacturing plant to determine compliance with the provisions of these rules and with codes adopted by Title 39, Chapter 41, Idaho Code, and Title 54, Chapters 10, 26, and 50, Idaho Code.

( )

**b.** In-Plant Inspections. Due to the repetitive nature of the manufacturing process, the required inspections outlined in the International Building Code or International Residential Code may not be required if, in the opinion of the Division, compliance can be obtained by periodic inspections. The Division shall conduct periodic unannounced inspections at any manufacturing site to review any or all aspects of a manufacturer's production and inspectional control procedures. Each unit, however, shall be inspected at least once during the course of production for compliance with the adopted standards. No unit manufactured to be installed in the state of Idaho will be shipped from the point of manufacture without inspection and attached Insignia.

( )

**c.** Field Inspections. All existing Modular Buildings to be installed in the state of Idaho not bearing the Division's Insignia shall not be used or occupied until required Idaho Insignia has been issued by the Division and properly affixed in accordance with these rules. Applicants for Insignia shall obtain permits, plan approvals, and inspections as required by these rules.

( )

**03. Installation Inspection.** In order to complete the installation of the Modular Building, approval and inspection of said installation by the enforcement agency having jurisdiction over the site location shall be required.

( )

**04. Field Technical Service.** Any person may request field Technical Service and requests for such service shall be submitted to the Division in writing.

( )

**05. Local Enforcement Agencies.**

( )

**a.** Rights of Local Enforcement Agency. A local enforcement agency shall have the right to require a complete set of plans and specifications approved by the Division for each Modular Building to be installed within its jurisdiction, to require that all permits be obtained before delivery of any unit to a Building Site. After leaving the manufacturing facility, future alterations or conversions of Division approved Modular Buildings shall be field inspected by the local unit of government having jurisdiction.

( )

**b.** Limitations of Rights of Local Enforcement Agency. A local enforcement agency shall not have the right to: open for inspection any Modular Building or component bearing an Insignia to determine compliance with any codes or ordinances; require by ordinance or otherwise that Modular Buildings meet any requirements not equally applicable to on-site construction; or to charge permit or plan review fees for any portion of the structure prefabricated or assembled at a place other than the Building Site.

( )

**06. Insignia.**

( )

**a.** Required Insignia. Each Modular Building section shall bear a Division Insignia prior to leaving the manufacturing facility. Assigned Insignia are not transferable and are void when not affixed as assigned. All such voided Insignia shall be returned to, or may be confiscated

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### **DIVISION OF BUILDING SAFETY Rules for Modular Buildings**

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by, the Division. Insignia remain the property of the Division and may be confiscated in the event of violation of conditions of approval. Assigned Insignia affixed in the field shall be under the direction of the Division's authorized agent. ( )

**b.** Insignia Location. Insignias shall be placed on the front, left-hand side of the building. ( )

**c.** Serial Number. Each Modular Building shall bear a legible identifying serial number, which shall include the state of manufacture. Each section of a multiple Modular Building shall have the same identifying serial number followed by a numerical sequence identifier and/or a letter suffix. Characters for serial numbers shall be three-eighths (3/8) inch minimum height. Numbers shall not be stamped into a hitch assembly or draw bar. ( )

**d.** Data on Insignia. The date of manufacture, showing month, week, and year will be shown on the Insignia. Such data will be provided by the manufacturer on the application for Insignia. ( )

**07. Reciprocal Agreements.** The provisions for Insignia of compliance as specified in a written and signed reciprocal agreement between the Division and any other state shall take precedence over the provisions of these rules. Where there is evidence that the in-plant inspection controls in out-of-state plants within states having reciprocal agreements with the state of Idaho are not being maintained for units to be placed in Idaho, the Division reserves the right to make out-of-state inspections, and fees for such inspection as set forth in these rules shall be paid by the manufacturer. ( )

**033. -- 999. (RESERVED).**



## **HOUSE BUSINESS COMMITTEE**

### **IDAPA 07 - DIVISION OF BUILDING SAFETY**

#### **07.07.01 - RULES GOVERNING INSTALLATION OF HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS**

##### **DOCKET NO. 07-0701-0704 (FEE RULE)**

##### **NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-5005, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

**The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 178 through 180.**

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-5005, Idaho Code:

**This rulemaking provides for the calculation of, and establishes, HVAC inspection fees.**

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no anticipated negative fiscal impact on the state general fund. However, the Division of Building Safety anticipates a net decrease in permit fee revenue attributable to a decrease in fees for non-residential installations.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.

## **HOUSE BUSINESS COMMITTEE**

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**DIVISION OF BUILDING SAFETY**  
**Rules Governing the Installation of HVAC Systems**

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**Docket No. 07-0701-0704**  
**PENDING FEE RULE**

Stephen L. Keys, Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St., Meridian, Idaho  
P. O. Box 83720, Boise, Idaho 83720  
(208) 332-8986 phone / (208) 855-2164 fax

### ***THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE***

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-5005, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

**These changes in fees for HVAC permits simplify the calculation of residential permit fees by basing fees on the square footage of the residence and associated outbuildings constructed at one time. Permit fees for non-residential installations decrease in cost, but bring them into conformance with electrical which have been adjusted to match these fees, and plumbing permit fees which decrease substantially in cost versus their current costs. By adopting a common fee basis for electrical, plumbing, and HVAC permits, the programming and implementation costs associated with the new software system are minimized. The structure is also more easily understood by staff and customers alike.**

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

**This rulemaking provides for the calculation of, and establishes, HVAC inspection fees.**

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

The Division of Building Safety anticipates a net decrease in permit fee revenue attributable to a decrease in fees for non-residential installations.

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**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this proposed change has been discussed multiple times at public Board meetings over the course of the last year and no opposition has been apparent.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 15th day of August 2007.

### ***THE FOLLOWING IS THE TEXT OF THE PENDING FEE RULE***

#### **051. FEES FOR HVAC INSPECTIONS.**

HVAC inspection fees are to cover the cost of HVAC inspections as provided by Section 54-5017, Idaho Code; any person, partnership, company, firm, association, or corporation making an HVAC installation shall pay to the Division of Building Safety an inspection fee as provided in the following schedule: ( )

01. New Residential - Single-Family Dwelling. Includes all buildings with HVAC systems being constructed on each property. ( )

<b><u>New Residential - Single-Family Dwelling</u></b>	
<u>Up to 1,500 Square feet of construction</u>	<u>: \$130*</u>
<u>1,501 to 2,500 Square feet of construction</u>	<u>: \$195*</u>
<u>2,501 to 3,500 Square feet of construction</u>	<u>: \$260*</u>
<u>3,501 to 4,500 Square feet of construction</u>	<u>: \$325*</u>
<u>Over 4,500 Square feet of construction</u>	<u>: Use Subsection 051.04, Other Installations Including Industrial and Commercial</u>
<u>* Fee is to include maximum of two (2) inspections up to 1,500 square feet, three (3) inspections 1,501 to 2,500 square feet, four (4) inspections 2,501 to 3,500 square feet, and five (5) inspections 3,501 to 4,500 square feet. Additional inspections charged at requested HVAC inspection rate of sixty-five dollars (\$65) per hour.</u>	

#### **02. New Residential – Multi-Family Dwellings.**

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<b>New Residential - Multi-Family Dwellings</b>	
Duplex Apartment	- \$260
Three (3) or more multi-family units	- \$130 per Building plus \$65 per Unit

( )

**03. Existing Residential.** Sixty-five dollars (\$65) plus ten dollars (\$10) for each additional piece of HVAC equipment being installed up to a maximum of the corresponding square footage of the residential building. ( )

**04. Other Installations Including Industrial and Commercial.** The inspection fees listed in this Section shall apply to any and all HVAC installations not specifically mentioned elsewhere in this schedule. The HVAC cost shall be the cost to the owner of all labor charges and all other costs that are incurred in order to complete the installation of any and all HVAC equipment and materials installed as part of the HVAC system. ( )

**a.** HVAC system cost not exceeding ten thousand dollars (\$10,000): sixty dollars (\$60) plus two percent (2%) of the total HVAC system cost. ( )

**b.** HVAC system cost over ten thousand dollars (\$10,000) but not exceeding one hundred thousand dollars (\$100,000): two hundred sixty dollars (\$260) plus one percent (1%) of the HVAC system cost exceeding ten thousand dollars (\$10,000). ( )

**c.** HVAC system cost over one hundred thousand dollars (\$100,000): one thousand one hundred sixty dollars (\$1,160) plus one half of one percent (.5%) of the HVAC system cost exceeding one hundred thousand dollars (\$100,000). ( )

**d.** All fees calculated under this schedule must be calculated on the total HVAC cost of the job, and this figure must be shown on the permit. ( )

**05. Requested Inspections** A fee of sixty-five dollars (\$65) per hour or portion of an hour shall apply, with the requesting party responsible for all costs incurred in out-of-state travel. ( )

**06. Additional Fees and Re-Inspection Fees.** A fee of sixty-five dollars (\$65) per hour or portion of an hour shall apply to: ( )

**a.** Trips to inspect when the submitter of the permit had given notice to the Division of Building Safety that the work is ready for inspection and it is not, if the submitter has not accurately identified the work location, or if the inspector cannot gain access to make the inspection. ( )

**b.** Trips to inspect corrections required by the inspector as a result of the submitter improperly responding to a corrective notice. ( )

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- c.**     Each trip necessary to remove a red tag from the jobsite. (\_\_\_\_)
- d.**     When corrections have not been made in the prescribed time, unless an extension has been requested and granted. (\_\_\_\_)
- e.**     No permit - failure to post or send permit and required fee in the prescribed time will, at the discretion of the Division, result in the assessment of a double fee. (\_\_\_\_)
- 07.**     **Plan Check Fee.** Sixty-five dollars (\$65) per hour or portion thereof. (\_\_\_\_)

**0542.** -- **059.** (RESERVED).

## **HOUSE BUSINESS COMMITTEE**

### **IDAPA 14 - BOARD OF REGISTRATION FOR PROFESSIONAL GEOLOGISTS**

#### **14.01.01 - RULES OF PROCEDURE OF THE BOARD OF REGISTRATION FOR PROFESSIONAL GEOLOGISTS**

**DOCKET NO. 14-0101-0701 (FEE RULE)**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2808, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

**The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 5, 2007 Idaho Administrative Bulletin, Vol. 07-9, pages 83 through 94.**

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Title 54, Chapter 28, Idaho Code.

**As authorized in Title 54, Chapter 28, Idaho Code, fees are charged in connection with the examination and licensing of professional geologists. A twenty-five (25) dollar fee for processing examinations is being removed from these rules, and the rule changes clarify that application, examination, and reexamination fees are non-refundable.**

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:  
N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Tana Cory, Bureau Chief at (208) 334-3233.

DATED this 28th day of September, 2007.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
(208) 334-3233, (208) 334-3945 fax

1109 Main St., Owyhee Plaza, Ste. 220  
Boise, Idaho 83702-5642

## **HOUSE BUSINESS COMMITTEE**

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**PROFESSIONAL GEOLOGISTS REGISTRATION BOARD** Docket No. 14-0101-0701  
**Rules of Procedure - Geologists Board** **PENDING FEE RULE**

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### ***THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE***

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-2808, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 19, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed rules are necessary to add required rule sections, remove policy and procedure language concerning the order of business at Board meetings, and to correct grammatical and clerical errors; to add a definition for the term “application” and clarify the definition of “geologist-in-training”; to remove an examination processing fee and clarify that application and examination fees are non-refundable; to add provisions to establish the electronically-generated seal image; to reduce the time for submission of applications prior to examination and clarify the content of personal references for application; to specifically identify the examination title; to clarify the scope of examination; to clarify the scoring and inspection of examinations; to reduce the time to appeal examination results; and to provide a Code of Ethics.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

To remove a processing fee and clarify that application and examination fees are non-refundable.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the noncontroversial nature of the rule changes.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Margaret Odedo, Administrative Assistant, at (208) 334-2268.

**HOUSE BUSINESS COMMITTEE**

**PROFESSIONAL GEOLOGISTS REGISTRATION BOARD      Docket No. 14-0101-0701**  
**Rules of Procedure - Geologists Board                      PENDING FEE RULE**

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 26, 2007.

DATED this 17th day of July, 2007.

***THE FOLLOWING IS THE TEXT OF THE PENDING RULE***

**IDAPA 14  
TITLE 01  
CHAPTER 01**

# RULES OF PROCEDURE OF THE ~~IDAHO~~ BOARD OF REGISTRATION FOR PROFESSIONAL GEOLOGISTS

**001. TITLE AND SCOPE.**

These rules shall be cited as IDAPA 14.01.01, “Rules of Procedure of the ~~Idaho~~ Board of Registration for Professional Geologists.” These rules establish procedures for the organization and operation of the Board. (7-1-93)( )

**002. ~~(RESERVED)~~ WRITTEN INTERPRETATIONS.**

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency may have written statements that pertain to the interpretation of these rules, or to compliance with these rules. Any such documents are available for public inspection and copying at cost at the Board office. ( )

### 003. ADMINISTRATIVE APPEALS.

The Board shall hold hearings on disputed matters or complaints as provided for in the Act, in these rules ~~of procedure~~, or in Title 67, Chapter 52, Idaho Code. The chairman, or a member of the Board appointed by the chairman, shall act as presiding officer at all hearings. Rules of procedure for the conduct of such hearings shall be in accordance with the applicable provisions of the Act, of these rules ~~of procedure~~, and of Title 67, Chapter 52, Idaho Code. (7-1-93)( )

#### **004. INCORPORATION BY REFERENCE.**

There are no documents that have been incorporated by reference into these rules. (\_\_\_\_)

**005. OFFICE INFORMATION -- OFFICE HOURS.**

**01. Address.** The office of the Board is located at 3350 Americana Terrace, Suite 243, Boise, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The



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### PROFESSIONAL GEOLOGISTS REGISTRATION BOARD Docket No. 14-0101-0701 Rules of Procedure - Geologists Board PENDING FEE RULE

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mailing address is P. O. Box 83720, Boise, Idaho 83720-0033. ( )

**02. Telephone and Fax.** The telephone number of the office is (208) 334-2268. The facsimile number of the office is (208) 334-5211. ( )

**03. E-Mail.** The email address of the Board is [ibpg@ibpg.idaho.gov](mailto:ibpg@ibpg.idaho.gov). ( )

**04. Website.** The website address of the Board is <http://www2.idaho.gov/ibpg>. ( )

#### **006. PUBLIC RECORDS ACT COMPLIANCE.**

Board records are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. ( )

**0047. -- 009. (RESERVED).**

#### **010. DEFINITIONS.**

For the purposes of these rules, the following definitions apply: (7-1-93)( )

**01. Act.** The legislation enacted by the First Regular Session of the Forty-first Legislature (Chapter 137, 1971 Session Laws), and compiled at Sections 54-2801, et seq., Idaho Code, providing for registration of professional geologists. (7-1-93)( )

**02. Applicant.** Any person who has made application for registration under the Act and who has neither been granted registration nor had the Application denied by the Board. (7-1-93)( )

**03. Application.** An Application consists of completed form or forms prescribed by the Board and all official transcripts, reference statements, and a signed code of ethics. ( )

**034. Board.** The Idaho Board of Registration for Professional Geologists as provided for in the Act. (7-1-93)

**045. Geologist-in-Training.** The interim designation given to ~~A~~any person who has ~~taken~~ met the academic requirements and successfully passed the ~~portion of the professional examination covering~~ fundamental ~~or~~ and academic geological ~~subjects, prior to his completion of~~ portion of the professional examination but has not yet completed the requisite years of experience ~~in geologic work~~, and passed the practices of geology examination as provided ~~for~~ in the Act. The Geologist-in-Training designation is applicable for a period of ten (10) years from notification of the successful completion of the fundamentals of geology examination. If after ten (10) years the Geologist-in-Training has not met all requirements for registration as a professional geologist, the Geologist-in-Training certification is withdrawn and the Applicant must re-apply for registration. The possession of a Geologist-in-Training certificate by an Applicant does not entitle the Applicant to practice professional geology without supervision as provided in the Act. (7-1-93)( )

**056. Registrant.** Any person currently registered as a professional geologist under provisions of the Act. (7-1-93)

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**067. Responsible Position.** A position wherein a person, having independent control, direction, or supervision of a geological project, investigates and interprets geologic features. (7-1-93)

**011. -- 099. (RESERVED).**

#### **100. GENERAL PROVISIONS.**

**01. ~~Offices~~ Filing of Documents.** ~~The principal office of the Board shall be maintained at 3350 Americana Terrace, Suite 243, Boise, Idaho. The mailing address is P.O. Box 83720, Boise, Idaho 83720-0033; to which a~~ All correspondence, including remittances and renewal fees, shall be directed to the office of the Board. ~~The telephone number of the Board is (208) 334-2268. (4-6-05)( )~~

**02. Meetings.** The Board shall meet at least once each year at the call of the chairman; ~~within ninety (90) days following the annual examinations;~~ the Board shall elect a chairman, vice-chairman, and secretary at such annual meeting. In addition to this annual meeting, the chairman may call special meetings from time to time when, in his opinion, it is deemed necessary, or upon the written request of any three (3) members of the Board. (7-1-93)( )

**~~03. Order of Business.~~** ~~The order of business at meetings shall be as follows: (7-1-93)~~

**~~a. Reading of minutes;~~** (7-1-93)

**~~b. Financial report;~~** (7-1-93)

**~~c. Reports of officers;~~** (7-1-93)

**~~d. Reports of committees;~~** (7-1-93)

**~~e. Reading of communications;~~** (7-1-93)

**~~f. Unfinished business;~~** (7-1-93)

**~~g. New business;~~** (7-1-93)

**~~h. Consideration of applications, examinations, and fees;~~** (7-1-93)

**~~i. Consideration of petitions, complaints, suspensions, and revocations;~~** (7-1-93)

**~~j. Miscellaneous;~~** (7-1-93)

**~~k. Adjournment.~~** (7-1-93)

**~~l. Robert's Rules of Order shall govern procedure of the Board except as otherwise provided by the act or these rules.~~** (7-1-93)

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### PROFESSIONAL GEOLOGISTS REGISTRATION BOARD Docket No. 14-0101-0701 Rules of Procedure - Geologists Board PENDING FEE RULE

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**043. Officers.** Officers elected from the Board shall be chairman, vice-chairman, and secretary. An assistant secretary may be selected who need not be a member of the Board.

(7-1-93)

**a.** The chairman shall be the executive head of the Board; shall, when present, preside at meetings; shall appoint committees; and shall perform all the duties pertaining to the office of chairman.

(7-1-93)( )

**b.** The vice-chairman shall, in the absence or incapacity of the chairman, exercise the duties and possess all the powers of the chairman.

(7-1-93)

**c.** The secretary shall, with assistance of an assistant secretary and staff as authorized by the Board:

(7-1-93)

**i.** Keep correct minutes of the Board and furnish a copy to all members of the Board;

(7-1-93)

**ii.** Send ~~written~~ notice of all regular and special Board meetings to each member ~~not less than ten (10) days~~ in advance thereof;

(7-1-93)( )

**iii.** Examine each Application for registration and bring about necessary corrections or the supplying of missing or essential data in connection with such Application prior to consideration thereof by the Board;

(7-1-93)

**iv.** Address inquiries, where deemed necessary, to references or Applicants to verify qualifications, experience, or character;

(7-1-93)

**v.** Make arrangements, as required by the Board, for examinations, interviews, or hearings;

(7-1-93)

**vi.** Report to the Board members the result of every examination and other evidence of qualification of each Applicant;

(7-1-93)

**vii.** Prepare the required annual report and roster;

(7-1-93)

**viii.** Keep all records, including minutes, register of Applicants and Registrants, and roster;

(7-1-93)

**ix.** Receive and deposit all funds and fees, as provided by the Act, and keep records of all receipts and disbursements;

(7-1-93)

**x.** Attend to all official correspondence of the Board;

(7-1-93)

**xi.** Perform all other duties as prescribed by the Act or which normally pertain to the office of secretary.

(7-1-93)

**054. Committees.** Regular or special committees may be appointed by the chairman, as necessary, to perform special duties and shall present reports to the Board at the time specified or

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at the earliest regular or special meeting of the Board. (7-1-93)

**065. Quorum.** As provided in the Act, a quorum shall be at least three (3) members of the Board legally holding office at the time of meeting. Official business of the Board shall be conducted only at Board meetings with a quorum present. (7-1-93)

**076. Fees.** The fees for registration under the Act shall be the following: (3-13-02)

**a. Application.** ~~The~~ A non-refundable fee for application under the Act shall be one hundred dollars (\$100). (3-13-02)(\_\_\_\_)

**b.** ~~A non-refundable fee of twenty five dollars (\$25) is set for processing each examination.~~ (3-13-02)

**ib.** Examination. The fee for the National examination is set at the current Association of State Boards of Geology (ASBOG) rate ~~for each Fundamentals examination and for each Principles and Practice examination~~ and is non-refundable. (3-13-02)(\_\_\_\_)

**ic.** Reexamination. The fee for reexamination of an ~~candidate~~ Applicant failing ~~his first~~ the examination shall be the same as ~~Subsection Paragraph~~ 100.076.b. of these rules. (3-13-02)(\_\_\_\_)

**c.** The fee for the initial certificate shall be twenty dollars (\$20) and the fee for replacing a lost, destroyed or mutilated certificate shall be twenty dollars (\$20). (3-13-02)

**d.** The fee for annual renewal of registration shall be as determined each year by the Board, but shall not exceed one hundred dollars (\$100). Renewal fees are due annually by June 30. The amount of the first annual renewal fee for a Registrant may, at the discretion of the Board, be reduced appropriately on a prorated quarterly basis based upon the initial registration date in the preceding fiscal year. (7-1-93)

**i.** The fee for annual renewal of registration for any ~~person~~ Registrant seventy (70) years of age or older as of June 1 shall be half (1/2) the current renewal fee. (3-13-02)(\_\_\_\_)

**ii.** The secretary shall notify each Registrant by mail, to the last recorded address, not later than June 1 of each year giving date of expiration of the Registrant's certificate and the amount of the renewal fee due by June 30 for the following year. (7-1-93)

**iii.** Failure on the part of any Registrant to renew the certificate in June shall not deprive such ~~person~~ Registrant of the right of renewal, but the fee to be paid for renewal after June 30 shall be increased as prescribed in the Act. (7-1-93)(\_\_\_\_)

**087. Certificates.** Certificates of registration shall be issued to each Registrant, as prescribed by the Act, on forms adopted by the Board. Certificates shall be displayed by Registrants in their place of business. A new certificate may be issued by the Board, to replace one lost, destroyed or mutilated. Each certificate shall bear an individual number, as assigned to that particular Registrant by the Board, which number shall be included in the annual roster of Registrants prepared by the secretary. (7-1-93)

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#### **098. Seals.** (7-1-93)

**a.** The official seal of the Board shall consist of a seal of the state of Idaho surrounded with the words "Board of Registration for Professional Geologists." (7-1-93)

**b.** The Board has adopted a similar seal ~~similar to that illustrated~~ for use of by each registrant. ~~To make use of the seal valid, registrant shall first write in ink his signature and date and then stamp over same with the seal. Either impression type or rubber stamp seal shall be valid.~~ The seal may be a rubber stamp, crimp, or electronically generated image. Whenever the seal is applied, the Registrant's signature and date shall also be included. If the signature is handwritten, it shall be adjacent to or across the seal. No further words or wording are required. A facsimile signature generated by any method will not be acceptable unless accompanied by a digital signature. SEE "APPENDIX A" AT END OF THIS CHAPTER. (7-1-93)( )

**c.** The seal, signature, and date shall be placed on all final specifications, reports, information, and calculations, whenever presented to a client or any public or governmental agency. Any such document presented to a client or public or governmental agency that is not final and does not contain a seal, signature, and date shall be clearly marked as "Preliminary," "Draft," "Not for Construction," or with similar words to distinguish the document from a final document. ( )

**d.** The seal, signature, and date shall be placed on all original documents. The application of the Registrant's seal, signature, and date shall constitute certification that the work thereon was done by him or under his supervision. Each plan or drawing sheet shall be sealed and signed by the Registrant or Registrants responsible for each sheet. In the case of a business entity, each plan or drawing sheet shall be sealed and signed by the Registrant or Registrants involved. The supervising professional geologist shall sign and seal the title or first sheet. Copies of electronically produced documents, listed in Paragraph 100.08.b. of these rules, distributed for informational uses such as for bidding purposes or working copies, may be issued with the Registrant's seal and a notice that the original document is on file with the Registrant's signature and date. The words "Original Signed By:" and "Date Original Signed:" shall be placed adjacent to or across the seal on the electronic original. The storage location of the original document shall also be provided. Only the title page of reports, specifications, and like documents need bear the seal, signature, and date of the Registrant. ( )

**e.** The seal and signature shall be used by Registrant only when the work being stamped was under the Registrant's supervision. ( )

**109. Address Change.** Each Applicant and Registrant shall notify the Board within sixty (60) days of any and all changes of address, giving both old and new address. (7-1-93)

**110. Annual Report.** An annual report shall be published by the Board and mailed to the governor, secretary of state, each Registrant, and to the public (upon request). The annual report shall contain, among other things: (7-1-93)

**a.** Copy of the Act; (7-1-93)

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### PROFESSIONAL GEOLOGISTS REGISTRATION BOARD Docket No. 14-0101-0701 Rules of Procedure - Geologists Board PENDING FEE RULE

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- b. Rules of procedure; (7-1-93)
- c. Annual report of the Board, summarizing all transactions; (7-1-93)
- d. Excerpts or summary of annual financial report; (7-1-93)
- e. Roster of Registrants; (7-1-93)
- f. Code of ethics; and (7-1-93)(\_\_\_\_)
- g. Current fee schedules; and (7-1-93)(\_\_\_\_)

~~12. Amendments. The rules of procedure may be amended by a majority vote of Board membership at any regular or special meeting of the Board, after prior notice by publication as may be required by the provisions of Title 67, Chapter 52, Idaho Code. (7-1-93)~~

101. -- 199. (RESERVED).

#### 200. APPLICATION PROCEDURES.

- 01. Applications. Applications for registration shall be: (7-1-93)
  - a. Filed on a form or forms prescribed by the Board and accompanied by official transcripts, reference statements, and a signed code of ethics (SEE "APPENDIX B" AT END OF THIS CHAPTER); (7-1-93)(\_\_\_\_)
  - b. Filed at the ~~Boise~~ office of the Board, accompanied by the required Application fee; (7-1-93)(\_\_\_\_)
  - c. Received by the Board, if for registration by examination, not less than ~~ninety~~ forty-five (45) days prior to the date of examination; (7-1-93)(\_\_\_\_)
  - d. Subscribed and certified to by the Applicant under penalty of perjury as provided for by state law; and (7-1-93)
  - e. Applications not submitted in proper form, or which are incomplete, will not be accepted by the Board and will be returned to the Applicant by the secretary with a statement of the reason for return. (7-1-93)
- 02. Board Action. Upon evaluation of the Application by the Board, including receipt of statements from references, each Application will be: (7-1-93)
  - a. Approved and the Applicant notified in writing of such approval and the granting of registration; or (7-1-93)
  - b. Approved and the Applicant scheduled for examination for registration, and so notified in writing; or (7-1-93)

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### PROFESSIONAL GEOLOGISTS REGISTRATION BOARD Docket No. 14-0101-0701 Rules of Procedure - Geologists Board PENDING FEE RULE

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c. Denied with prejudice and the Applicant notified in writing by certified mail stating the reason for denial. In the event of denial of Application, the Application fee will be retained by the Board. (7-1-93)

**03. Appeal.** Upon notification by the Board that the Application has been denied or rejected, the Applicant, within thirty (30) days of receipt of such notice, may petition the Board for a hearing, under the provisions of Title 67, Chapter 52, Idaho Code. (7-1-93)( )

**04. Dates.** The date of application shall be the date it is delivered in person to the Board office or, if mailed, the date shown by post office cancellation mark. Qualifying education and experience of the Applicant, for examination and registration, shall be computed from the date of application as described above. (7-1-93)

**05. References.** Statements from personal references, in Responsible Positions concerning the Applicant's professional technical ability and personal character, shall be received, as prescribed by the Act, prior to any action by the Board to approve an Application. ~~All information received from references named by the Applicant will be held in confidence by the Board. No current member of the Board shall be named as a reference by an Applicant.~~ Each statement must reflect in a positive way the technical and ethical merits of the Applicant. Applicants for the Fundamentals of Geology examination may fulfill this requirement with reference statements from geologists in Responsible Positions familiar with the ability and character of the Applicant as demonstrated in an academic setting. (7-1-93)( )

**06. Abandonment.** In the absence of special circumstances, the Board shall consider an Application abandoned when: (7-1-93)

a. The Applicant fails to submit the certificate fee within six (6) months after the date of the letter of notification of approval of registration; or (7-1-93)

b. The Applicant fails to appear for a scheduled examination without obtaining a postponement from the Board; or (7-1-93)

c. The Applicant, after two (2) such postponements, fails to appear for examination at the scheduled time. (7-1-93)

**#07. Abandonment - Application Fees.** If, after abandonment of an Application, an Applicant wishes to reapply for registration, an entirely new Application shall be initiated and all previously paid Application fees shall be retained by the Board. (7-1-93)( )

**201. -- 299. (RESERVED).**

### **300. EXAMINATIONS.**

**01. Examination Required.** Every Applicant for registration shall take and pass an examination as prescribed by the Board except as may be specifically exempted from such examination under the terms of the Act. (7-1-93)

**02. Eligibility.** The following shall be considered as minimum evidence that the

## HOUSE BUSINESS COMMITTEE

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### PROFESSIONAL GEOLOGISTS REGISTRATION BOARD Docket No. 14-0101-0701 Rules of Procedure - Geologists Board PENDING FEE RULE

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Applicant is qualified to take ~~an examination for registration as a professional geologist~~ the Principles and Practices of Geology Examination: (7-1-93)( )

a. Completion of thirty (30) semester units in courses in geological science leading to a degree in the geological sciences of which at least twenty-four (24) units are in third or fourth year, and/or graduate courses; and (7-1-93)

b. Have at least seven (7) years of professional geological work which shall include either a minimum of three (3) years of professional geological work under the supervision of a registered geologist, or, wherein the Applicant has been under the direct supervision of an individual acceptable to the Board, or, wherein the Applicant has demonstrated five (5) years of progressive experience in responsible charge of geological work that is acceptable to the Board. (7-1-93)

i. Each year of undergraduate study in the geological sciences shall count as one-half (1/2) year of training up to a maximum of two (2) years, and each year of graduate study or research counts as a year of training. (7-1-93)

ii. Teaching in the geological sciences at the college level shall be credited year for year toward meeting the requirement in this category, provided that the total annual teaching experience includes six (6) semester units of third or fourth year or graduate courses. (7-1-93)

iii. Credit for undergraduate study, graduate study, and teaching individually, or in any combination thereof, shall in no case exceed a total of four (4) years toward meeting the requirement for at least seven (7) years of professional geological work as set forth above. (7-1-93)

iv. The ability of the Applicant shall have been demonstrated by his having performed work in a Responsible Position, as the term is defined in Section 010 of these rules. (7-1-93)( )

v. The Applicant shall further be of good moral character and shall have filed a complete Application with the Board, accompanied by the required fee, as set forth ~~elsewhere~~ in Subsection 100.06 of these rules. (7-1-93)( )

#### 03. Authorization. (7-1-93)

a. After the Board evaluates the qualifications of an Applicant and establishes his eligibility for examination, the secretary shall notify the Applicant of eligibility and the dates of the next scheduled examinations for which his Application qualifies him. (3-13-02)

b. The secretary shall notify each Applicant in writing of the acceptance or rejection of his Application; and, if rejected, the reason for the rejection. (7-1-93)( )

c. Not less than forty-five (45) days prior to the examination date, the candidate shall give written notice to the Board of his intent to take the examination and shall submit all applicable testing fees in full. (3-13-02)



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### PROFESSIONAL GEOLOGISTS REGISTRATION BOARD Docket No. 14-0101-0701 Rules of Procedure - Geologists Board PENDING FEE RULE

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d. Not less than thirty (30) days prior to the examination date, the secretary shall give written notice to each candidate that has previously given written notice and has paid his examination fees, of the date, time, and location(s) of the examination. (3-13-02)

~~e. If an Applicant cancels his test appearance at least fifteen (15) days prior to the testing date, a twenty-five dollar (\$25) handling fee will be withheld, and the remainder of the testing fee will be refunded. If the Applicant fails to appear for the exam, or does not notify the Board at least fifteen (15) days prior to the testing date, the entire fee will be forfeited. (3-13-02)~~

**04. Scope of Examination.** The scope of the examination and the methods of procedure shall be prescribed by the Board with special reference to the Applicant's ability to supervise geologic projects as to insure the safety of life, health and property. The complete professional examination for registration as a professional geologist consists of two (2) separate written examinations. The first is the Fundamentals of Geology examination, ~~satisfactory completion of which permits certification as a Geologist-in-Training,~~ covering subjects as are ordinarily given in college curricula. The second is the Principles and Practice of Geology examination which will cover the practice of geology and test the Applicant's fitness for such practice affecting the public health, safety and welfare. ~~Each examination shall be not more than eight (8) hours (one (1) day) in length. Normally, Applicants are eligible to take the Fundamentals of Geology examination upon graduation from an accredited college curriculum. Having passed the Fundamentals of Geology examination, Applicants will be assigned to take the Principles and Practice examination at a later date when qualified by experience. Applicants qualified by experience to take the Principles and Practice examination, but who have not previously passed the Fundamentals of Geology examination, may take both examinations. The Fundamentals of Geology examination given to recent college graduates need not be the same as the Fundamentals of Geology examination given to Applicants who have completed the experience requirement for registration. An oral examination, in addition to the prescribed written examination, may be required of any Applicant.~~ In addition, the examination shall meet all Americans with Disabilities Act requirements. (3-13-02)( )

**05. Geologist-in-Training.** An Applicant may be permitted to take the Fundamentals of Geology examination prior to his completion of the years of geologic experience required for registration, as provided for in the Act. Upon such satisfactory passage of the Fundamentals of Geology examination, the Board shall issue a certificate of completion for this portion of the complete professional examination - with designation of the Applicant as a Geologist-in-Training. Such certificate of completion shall constitute a credit toward the Applicant's complete professional examination for a period not to exceed ten (10) years. The Geologist-in-Training, upon completion of the required years of geologic experience for registration, may submit a record of such experience in a complete Application to the Board and, upon approval by the Board, be assigned to take the Principles and Practice examination. ~~The possession of a Geologist-In-Training certificate by an Applicant does not entitle the Applicant to practice professional geology under the appropriate provisions of the act.~~ (7-1-93)( )

**06. Reexamination.** A candidate failing his first examination may apply for reexamination at the expiration of six (6) months without filing a new Application and shall be entitled to such reexamination on payment of the reexamination fee. A candidate who fails on reexamination must file a new Application before he can again be admitted to examination, and such new Application shall not be filed prior to one (1) year following the date of the last

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### **PROFESSIONAL GEOLOGISTS REGISTRATION BOARD Docket No. 14-0101-0701** **Rules of Procedure - Geologists Board PENDING FEE RULE**

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examination taken by the Applicant; provided, however, that it shall be unlawful for a candidate failing any examination to practice professional geology under the appropriate provisions of the Act. (3-13-02)

**07. Time and Place.** (7-1-93)

**a.** The regular written examination for registration as a professional geologist shall be conducted once or twice yearly. (3-13-02)

**b.** The secretary shall make all arrangements necessary to provide sufficient help to conduct examinations and to provide adequate facilities at such locations throughout the state as may be required to accommodate the number of Applicants to be examined. (7-1-93)

**08. Examination Irregularities.** (7-1-93)

**a.** Examinees are forbidden to receive any unauthorized assistance during the examination. Communication between examinees or possession of unauthorized matter or devices during the examination is strictly prohibited. (7-1-93)

**b.** Only scheduled examinees, Board members, the assistant secretary and authorized examination personnel shall be admitted to the examination room. (7-1-93)

**09. Grading.** (7-1-93)

**a.** As indicated in Subsection 300.04 of these rules, the entire professional examination for registration as a professional geologist consists of two (2) separate written examinations. These examinations are referred to as the (1) Fundamentals of Geology, and (2) Principles and Practice examinations. Licensure as a professional geologist requires successful passage, as defined below in Paragraphs 300.09.b. and 300.09.c. of these rules, of both of these examinations. (~~3-13-02~~)( )

**b.** Every Applicant receiving an overall grade of seventy percent (70%) or more on the Fundamentals of Geology examination shall be deemed to have passed the examination, is thereby eligible to take the Principles and Practice examination, and will receive certification as a Geologist-in-Training, provided that the required fees have been paid. (3-13-02)

**c.** Every Applicant receiving a grade of seventy percent (70%) or more on the Principles and Practice examination shall be deemed to have passed such examination and will be registered as a professional geologist, provided that all of the required fees have been paid. (3-13-02)

**d.** Every Applicant receiving a grade of less than seventy percent (70%) on either the Fundamentals of Geology examination or the Principles and Practice examination, shall be deemed to have failed such examination. Every Applicant having failed shall have his Application denied without prejudice, but shall be allowed to retake the failed examination in accordance with Subsection 300.06 of these rules. (~~3-13-02~~)( )

**10. Inspection of Examination.** (7-1-93)

## HOUSE BUSINESS COMMITTEE

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### PROFESSIONAL GEOLOGISTS REGISTRATION BOARD Docket No. 14-0101-0701 Rules of Procedure - Geologists Board PENDING FEE RULE

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a. An Applicant who fails to obtain a passing grade in the written examination may inspect his examination papers at such times and locations as may be designated by the secretary. ~~Inspection of such examination papers shall be permitted within a thirty day (30) period after receipt of notice by the Applicant of his failure to pass the examination.~~ (7-1-93)(\_\_\_\_)

b. At the time of inspection, no one other than the examinee or his attorney and a representative of the Board shall have access to such examination papers. (7-1-93)

#### 11. Examination Appeal. (7-1-93)

a. Within ~~thirty~~ fifteen (3015) days after the date notice of the results of the examination has been mailed to him, an Applicant who was unsuccessful in the examination may appeal, by petition, to the Board for a review of his examination papers. (7-1-93)(\_\_\_\_)

b. The petition for review shall be made in writing stating the reason for such appeal and citing the item or items against which the request is directed. (7-1-93)

c. The Board shall, upon receiving such petition for review, conduct a hearing in accordance with the applicable provisions of Title 67, Chapter 52, Idaho Code. (7-1-93)

12. Retention of Examinations. The Board shall retain examination results for at least one (1) year. (3-13-02)

301. -- 999. (RESERVED).

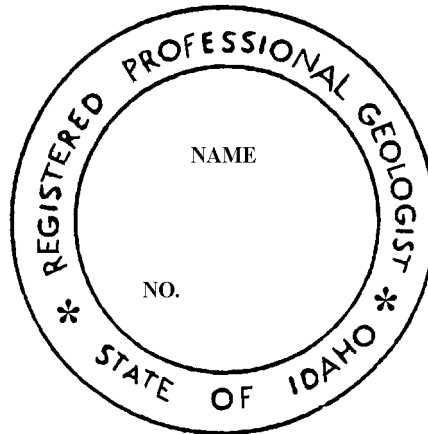
## HOUSE BUSINESS COMMITTEE

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**PROFESSIONAL GEOLOGISTS REGISTRATION BOARD** Docket No. 14-0101-0701  
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### APPENDIX A -- REFERENCES FROM SECTION 14.01.01.100.098.b.



#### SEAL OF REGISTERED PROFESSIONAL GEOLOGIST

Diameter of Outer Ring: 1 1/2 Inches

Diameter of Inner Ring: 1 Inch

### APPENDIX B -- REFERENCES FROM SECTION 14.01.01.200.01.a.

#### STATE OF IDAHO BOARD OF REGISTRATION FOR PROFESSIONAL GEOLOGISTS CODE OF ETHICS

Geology is a profession, and the privilege of professional practice requires morality and responsibility, as well as professional knowledge, on the part of each practitioner. Each registered professional geologist shall be guided by the highest standards of business ethics, personal honor and professional conduct.

With regard for the geologic profession and recognizing in the Code of Ethics a set of dynamic principles to guide his services to his fellow men, and with full knowledge of the responsibility of

**HOUSE BUSINESS COMMITTEE**

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geologists to safeguard health, safety, and public welfare, a registered geologist:

1. Brings credit, honor and dignity to the geologic profession in his dealings with clients, other geologists, and the public.
2. Acts for his clients as a faithful agent or trustee and accepts remuneration only in accordance with his stated charges for services rendered.
3. Exchanges non-confidential geologic information with other geologists, students, and the public; encourages the public understanding of geology, and ensures proper credit for geologic work.
4. Does not reveal nor seek the revelation of geologic work performed for a paying client.
5. Does not advertise or solicit geologic work assignments in a fraudulent, misleading or deceptive manner.
6. Promptly reports to the Board unethical conduct on the part of any geologist.
7. Undertakes professional service or renders expert opinion only when qualified in the specific technical areas involved.
8. Function without prejudice with respect to gender, religion, national or ethnic origin, age, sexual preference, or physical or mental disability.

Acknowledged and subscribed to:

Signature of Applicant

Adopted by the Board September 11, 1971  
Amended March 17, 2007.

**Sign and return this form with your completed application forms.**

## **HOUSE BUSINESS COMMITTEE**

### **IDAPA 18 - IDAHO DEPARTMENT OF INSURANCE**

#### **18.01.44 - SCHEDULE OF FEES, LICENSES AND MISCELLANEOUS CHARGES**

##### **DOCKET NO. 18-0144-0701 (FEE RULE)**

##### **NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 41-211 and 41-401 Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

**The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 2 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 21 through 22.**

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 41-401, Idaho Code:

**The reduced licensing renewal fee of \$60 for adjusters, producers and surplus lines brokers renewing their licenses electronically will be eliminated and licensees renewing electronically will pay the standard renewal fee of eighty dollars every two years.**

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Jim Genetti, Idaho Department of Insurance, at 208/334-4250.

DATED this 29th day of October, 2007.

William W. Deal  
Idaho Department of Insurance  
700 West State St., 3rd Floor  
Boise, Idaho 83720-0043  
Phone: (208) 334-4250 / Fax: (208) 334-4398

## HOUSE BUSINESS COMMITTEE

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**DEPARTMENT OF INSURANCE**  
**Schedule of Fees, Licenses & Misc Charges**

**Docket No. 18-0144-0701**  
**PENDING FEE RULE**

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### ***THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE***

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 41-211 and 41-401, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

**In 2004, the department created a discounted renewal fee for electronic renewals as an incentive to encourage licensees to renew their licenses on-line. Currently, about ninety percent of the licensees are renewing their licenses on line and the department believes the discounted fee for electronic renewals is no longer necessary as an incentive for electronic renewals. This rulemaking will eliminate the discounted fee and return to the uniform renewal rate of \$80 for adjusters, producers and surplus lines brokers that was in place prior to the 2004 change.**

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

**The reduced licensing renewal fee of \$60 for adjusters, producers and surplus lines brokers renewing their licenses electronically will be eliminated and licensees renewing electronically will pay the standard renewal fee of eighty dollars every two years.**

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the rulemaking is simply eliminating a discounted fee and returning to the same fee schedule that was in place prior to the discounted fee. No comments were received when the discount was implemented in 2004, and, because of the small amount involved (\$10 per year for an affected licensee), the department considered it unlikely that there would be any public interest, comment or controversy resulting from the elimination of the discounted fee.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jim Genetti at 208-334-4340.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

## HOUSE BUSINESS COMMITTEE

**DEPARTMENT OF INSURANCE**  
**Schedule of Fees, Licenses & Misc Charges**

**Docket No. 18-0144-0701**  
**PENDING FEE RULE**

DATED this 15th day of August, 2007.

### **THE FOLLOWING IS THE TEXT OF THE PENDING FEE RULE**

#### **030. PRODUCER AND MISCELLANEOUS LICENSING FEES.**

**01. Original License Application.** The following fees are due and must be paid with the filing application for original license, which fees include the issuance of a license, if issued:  
(3-13-02)

- a. Administrators -- Three hundred dollars (\$300). (7-1-00)
- b. Producers -- Eighty dollars (\$80). (3-13-02)
- c. Designation as a managing general agent -- Eighty dollars (\$80). (3-13-02)
- d. Adjusters -- Eighty dollars (\$80). (3-13-02)
- e. Reinsurance intermediary -- Eighty dollars (\$80). (3-13-02)
- f. Surplus line brokers -- Eighty dollars (\$80). (3-13-02)

**02. Examination Fees.** The following fees are due and must be paid in order to take examinations for the following licenses:  
(3-13-02)

- a. Producers and adjusters -- application for examination and each time taken - Sixty dollars (\$60). (3-13-02)

**03. Fingerprint Processing.** Processing fingerprints, where required - Sixty dollars (\$60). (7-1-00)

**04. License Renewal.** The following fees are due and must be paid for each license in order to renew or continue each and every license:  
(3-13-02)

- a. Adjusters, producers (biennial) -- Eighty dollars (\$80), ~~or sixty dollars (\$60) if renewed electronically.~~ (3-16-04)( )

- b. Redesignation as managing general agent (annual) -- Eighty dollars (\$80). (3-13-02)

- c. Administrators (biennial) -- Eighty dollars (\$80). (3-19-07)

- i. Renewal form shall be filed on or before December 31. (3-19-07)

- ii. Any renewal form postmarked after December 31 shall include a penalty in an



## HOUSE BUSINESS COMMITTEE

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**DEPARTMENT OF INSURANCE**  
**Schedule of Fees, Licenses & Misc Charges****Docket No. 18-0144-0701**  
**PENDING FEE RULE**

amount equal to the renewal fee. (3-19-07)

iii. A renewal form postmarked after January 31 must be submitted as a new application with supporting documents and the full application fee. (3-19-07)

d. Surplus line brokers (biennial) -- Eighty dollars (\$80), ~~or sixty dollars (\$60) if~~  
~~renewed electronically.~~ (3-16-04)( )

## **HOUSE BUSINESS COMMITTEE**

### **IDAPA 24 - IDAHO BUREAU OF OCCUPATIONAL LICENSES**

#### **24.07.01 - RULES OF THE IDAHO STATE BOARD OF LANDSCAPE ARCHITECTS**

##### **DOCKET NO. 24-0701-0701 (FEE RULE)**

##### **NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-3003, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

**The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 2 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 126 and 127.**

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-3003(5)(b), Idaho Code:

This change would add a \$25.00 application fee to landscape architects-in-training.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 26th day of October, 2007.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
1109 Main St., Ste 220, Boise, ID 83709  
(208) 334-3233 phone / (208) 334-3945 fax

## **HOUSE BUSINESS COMMITTEE**

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**BUREAU OF OCCUPATIONAL LICENSES**  
**Rules of the Board of Landscape Architects**

**Docket No. 24-0701-0701**  
**PENDING FEE RULE**

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### ***THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE***

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) 54-3003, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2007.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

**To update the incorporation by reference, update address of the Board, to add an application fee, and to clarify the supervision and limitations on the landscape architect-in-training.**

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

**This change would add a \$25.00 application fee per Section 54-3003(5)(b), Idaho Code, to landscape architects-in-training and will increase the revenues of the Board by approximately \$250.00 based on an average for the last three years. The impact is on dedicated funds.**

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the changes should not be controversial.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2007.

DATED this 20th day of August, 2007.

## HOUSE BUSINESS COMMITTEE

**BUREAU OF OCCUPATIONAL LICENSES**  
**Rules of the Board of Landscape Architects**

**Docket No. 24-0701-0701**  
**PENDING FEE RULE**

### **THE FOLLOWING IS THE TEXT OF THE PENDING FEE RULE**

#### **004. INCORPORATION BY REFERENCE (RULE 4).**

The document titled the Council of Landscape Architectural Registration Boards (CLARB) Model Rules of Professional Conduct as amended ~~September 2002~~ February 2007, referenced in Subsection 425, is herein incorporated by reference. (3-20-04)(\_\_\_\_)

#### **005. ADDRESS OF IDAHO BOARD OF LANDSCAPE ARCHITECTS (RULE 5).**

The office of the Board of Landscape Architects is located within the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho 83702-5642. The phone number of the Board is (208) 334-3233. The Board's FAX number is (208) 334-3945. The Board's e-mail address is ~~lar@ibol.state.id.us~~ lar@ibol.idaho.gov. The Board's official web site is at http://www.ibol.idaho.gov/lar.htm. (3-24-05)(\_\_\_\_)

### **(BREAK IN CONTINUITY OF SECTIONS)**

#### **250. LANDSCAPE ARCHITECT-IN-TRAINING (RULE 250).**

An individual may represent themselves as a landscape architect-in-training only under the following conditions: (3-20-04)

**01. Qualifications.** Any person who is at least eighteen (18) years of age and has graduated from an approved college or school of landscape architecture, or who documents at least eight (8) years of actual practical experience in landscape architecture approved by the Board. (3-20-04)

**02. Supervision.** Each landscape architect-in-training shall be employed by and work under the direct supervision of an Idaho licensed landscape architect. Any change in supervision shall require a new application and registration. (3-20-04)(\_\_\_\_)

**03. Prohibitions.** A landscape architect-in-training shall not sign or seal any plan, specification, or other document, and shall not engage in the practice of landscape architecture except under the direct supervision of an Idaho licensed landscape architect. (3-20-04)

**04. Registration.** Each landscape architect-in-training shall register with the Board on forms provided by the Bureau of Occupational Licenses that shall include the application fee and the names and addresses of their employer, and supervisor. (3-20-04)(\_\_\_\_)

**05. Termination.** A registration for a landscape architect-in-training shall not exceed a total of six (6) years. (\_\_\_\_)

## HOUSE BUSINESS COMMITTEE

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**BUREAU OF OCCUPATIONAL LICENSES**  
**Rules of the Board of Landscape Architects**

**Docket No. 24-0701-0701**  
**PENDING FEE RULE**

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### **(BREAK IN CONTINUITY OF SECTIONS)**

#### **400. FEES (RULE 400).**

Fees are not refundable, therefore, applications should not be filed unless the applicant can meet all requirements. (7-1-93)

**01. Application Fee.** Application Fee (Original-Reapplication-Endorsement): One hundred dollars (\$100). (3-20-04)

**02. Landscape Architect-in-Training Application Fee.** Landscape architect-in-training application fee: Twenty-five dollars (\$25). ( )

**023. Examination Fees.** Examination fees will be as established by the Council of Landscape Architectural Registration Boards. (3-20-04)

**034. Original License and Annual License Fee.** Original license and annual license fee: One hundred fifty dollars (\$150). (3-21-07)

**045. Reinstatement Fee.** Reinstatement fee: Twenty-five dollars (\$25). (7-1-93)

**056. Processing Fee.** Applicants for examination must submit a twenty-five dollar (\$25) processing fee, together with the examination fees and the application fee. (3-20-04)

# **HOUSE BUSINESS COMMITTEE**

## **IDAPA 33 - REAL ESTATE COMMISSION**

### **33.01.01 - RULES OF THE IDAHO REAL ESTATE COMMISSION**

#### **DOCKET NO. 33-0101-0701 (FEE RULE)**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature. The rule becomes final and effective upon adoption of the concurrent resolution, as authorized by 67-5225(5) (a), Idaho Code.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-2007 and Section 54-2020, Idaho Code, as amended by S 1109.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the July 4, 2007 Idaho Administrative Bulletin, Vol. 07-7, pages 80 and 81.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-1001D, Idaho Code:

The fee amounts formerly established in statute are now, as a result of Senate Bill 1109, required to be established as administrative rules. The fee amounts set in this rulemaking mirror those of the former statute, and no “new” fees are being imposed: \$25 for late license renewal; \$15 for printing a license certificate; \$10 to compile and copy certified license or education history; and \$50 to issue or renew branch office license.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no fiscal impact on the state general fund, since all licensing fee revenues are credited to the Special Real Estate Account.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Jeane Jackson-Heim, (208) 334-3285 ext 118, or Kimberly Coster (208) 334-3285 ext 115.

Dated this 20th day of August, 2007.

## HOUSE BUSINESS COMMITTEE

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**REAL ESTATE COMMISSION**  
**Rules of the Idaho Real Estate Commission****Docket No. 33-0101-0701**  
**PENDING FEE RULE**

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Jeanne Jackson-Heim  
Executive Director  
Idaho Real Estate Commission  
633 N. Fourth St., Boise, ID 83702  
PO Box 83720, Boise, ID 83720-0077  
(208) 334-3285; (208) 334-2050 (fax)

***THE FOLLOWING NOTICE PUBLISHED WITH THE  
TEMPORARY AND PROPOSED RULE***

**EFFECTIVE DATE:** The effective date of the temporary rule is **July 1, 2007**.

**AUTHORITY:** In compliance with Sections 67-5221 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 54-2007, Section 54-2027(6), Idaho Code, as amended by S 1109.

**PUBLIC HEARING:** Public hearing concerning this rulemaking will be held as follows:

Thursday, July 26, 2007  
10:00 a.m.  
The Idaho Real Estate Commission  
633 North Fourth Street  
Boise, Idaho 83702

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of the supporting reasons for adopting a temporary rule:

Effective July 1, 2007, and as a result of Senate Bill 1109, the incidental fees established in Section 54-2020, Idaho Code, will become “fee caps” with the exact amount of each fee established by the Commission as an administrative rule. This rule establishes the fees at the same rate as currently established in the statute. However, the Commission will now have the authority to lower – but not raise above the fee cap – these fees in the future.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rule change is necessary to comply with deadlines in amendments to governing law, specifically, SB 1109, which changed the statutory fee amounts to fee caps, requiring that the exact fee amount be established in rule. The law becomes effective July 1, 2007. Failure to

## HOUSE BUSINESS COMMITTEE

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### **REAL ESTATE COMMISSION** **Rules of the Idaho Real Estate Commission**

**Docket No. 33-0101-0701**  
**PENDING FEE RULE**

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establish the exact fee amounts in rule through the adoption of this temporary rule would prevent the commission from collecting these fees until the rule is adopted and approved as a final rule during the 2008 legislative session. It would also disrupt the current process used for fee collection and cause delays in processing licenses which could impede or prevent licensees from conducting business.

**FEE SUMMARY:** The statutory changes have set the fee cap for each fee and require that the exact fees amounts be established in rule. This rulemaking simply establishes those fees in the rule.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary rule, contact Jeanne Jackson-Heim, (208) 334-3285.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 25, 2007.

DATED this 29th day of June, 2007.

### ***THE FOLLOWING IS THE TEXT OF THE PENDING FEE RULE***

#### **101. LATE LICENSE RENEWAL FEES.**

When a license renewal application is submitted after the license period has elapsed, there shall be, in addition to the fees for renewing the license, a late fee in the amount of twenty-five dollars (\$25). ( )

#### **102. FEE TO PRINT LICENSE CERTIFICATE.**

The fee for having the commission print a license certificate shall be fifteen dollars (\$15) for each certificate. ( )

#### **103. FEE TO COMPILE EDUCATION OR LICENSE HISTORY.**

The fee for having the commission compile and certify a licensee's education history or license history shall be ten dollars (\$10) for each compilation. ( )

#### **104. FEE FOR BRANCH OFFICE LICENSE.**

The fee for an initial or renewing license for each branch office shall be fifty dollars (\$50) per license period. ( )

**1045. -- 116. (RESERVED).**